

Translation

PATENT COOPERATION TREATY

PCT

REC'D 19 OCT 2004

WIPO PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference IP02034		FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/CN02/00426	International filing date (day/month/year) 17 June 2002(17.06.02)	Priority date (day/month/year)	
International Patent Classification (IPC) or national classification and IPC IPC7 A61B5/00			
Applicant YANG, Chang-Ming			
<p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 4 sheets, including this cover sheet.</p> <p><input type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and /or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of sheets.</p>			
<p>3. This report contains indications relating to the following items:</p> <p>I <input checked="" type="checkbox"/> Basis of the report</p> <p>II <input type="checkbox"/> priority</p> <p>III <input checked="" type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p>IV <input type="checkbox"/> Lack of unity of invention</p> <p>V <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p>VI <input type="checkbox"/> Certain documents cited</p> <p>VII <input type="checkbox"/> Certain defects in the international application</p> <p>VIII <input type="checkbox"/> Certain observations on the international application.</p>			
Date of submission of the demand 17 June 2002(17.06.02)		Date of completion of this report 24 September 2004(24.09.04)	
Name and mailing address of the IPEA/CN 6 Xitucheng Rd., Jimen Bridge, Haidian District, 100088 Beijing, China Facsimile No. 86-10-62019451		Authorized officer WANG, Aiqing Telephone No. 86-10-62085816	



I. Basis of the report

1. With regard to the elements of the international application:*

☒ the international application as originally filed☐ the description:

pages _____, as originally filed

pages _____, filed with the demand

pages _____, filed with the letter of _____

☐ the claims:

Nos _____, as originally file

Nos _____, as amended (together with any statement) under Article 19

Nos _____, filed with the demand

Nos _____, filed with the letter of _____

☐ the drawings:

pages _____, as originally filed

pages _____, filed with the demand

pages _____, filed with the letter of _____

☐ the sequence listing part of the description:

pages _____, as originally filed

pages _____, filed with the demand

pages _____, filed with the letter of _____

2. with regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language _____ which is:

☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).☐ the language of publication of the international application (under Rule 48.3(b)).☐ the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

☐ contained in the international application in written form.☐ filed together with the international application in computer readable form.☐ furnished subsequently to this Authority in written form.☐ furnished subsequently to this Authority in computer readable form.☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.4. ☐ The amendments have resulted in the cancellation of:☐ the description, pages _____☐ the claims No. _____☐ the drawings, sheets/fig _____5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

III. Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

1. This questions whether the claimed invention appears to be novel, to involve an inventive step (to be non obvious), or to be industrially applicable have not been examined in respect of :

☐ the entire international application,

☒ claims Nos. 1-2

because:

☒ the said claims Nos.

1-2

relate to the following subject matter which does not require an international preliminary examination (specify):

They can't be granted the patent right because they relate to methods for the diagnosis and for the treatment of diseases,
Please see Rule 67.1(iv) PCT

☐ the description, claims or drawings (indicate particular elements below) or said claims Nos. _____
are so unclear that no meaningful opinion could be formed (specify):

☐ the claims, or said claims Nos. _____ are so inadequately supported
by the description that no meaningful opinion could be formed.

☐ no international search report has been established for said claims Nos. _____

2. A meaningful international preliminary examination cannot be carried out due to the failure of the nucleotide and/or amino acid sequence listing to comply with the standard provided for in Annex C of the Administrative Instructions:

☐ the written form has not been furnished or does not comply with the standard.

☐ the computer readable form has not been furnished or does not comply with the standard.

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**1. Statement:**

Novelty (N)	Claims 3-11	YES
	Claims	NO
Inventive step (IS)	Claims	YES
	Claims 3-11	NO
Industrial applicability (IA)	Claims 3-11	YES
	Claims	NO

2. Citations and explanations (Rule 70.7)**Novelty:**

Claims 3-11 meet the criteria set out in PCT Article 33(2), because no document cited in the international search report has disclosed all features of the independent claim 3 and the claims appendant thereto.

Inventive step:

Claims 3-11 don't meet the criteria set out in PCT Article 33(3), for the following reasons:

Independent claim 3 does not involve an inventive step. D1(WO,A1,0006018) also discloses a remote patient monitoring system with garment and automated medication dispenser (see D1, abstract; description, pages 2,5-15 and figures 1-8). D1 has disclosed most features of claim 3, and the only different feature between the independent claim 3 and D1 is as follows: the said device according to claim 3 also includes medical apparatuses which are supplied at the suitable position of the said LifeShirt, can implement some required treatment, and electrically connect to the monitoring centre. However the different feature is straightforward design possibilities the skilled person would employ, in accordance with circumstances, without the exercise of inventive skill, for example, the D2 (GB,A,2350193) has disclosed as follows: the said health monitoring garment not only can monitor ECG and respirator and tissue vital signs of a human, but also can implement some treatment if necessary. Therefore, the independent claim 3 does not involve an inventive step, and does not meet the requirement of PCT Art.33(3).

The additional features of dependent claims 4-5, 9-11 have already been disclosed in D1 (see D1, description, pages 2,5-15 and figures 1-8), therefore the dependent claims 4-5,9-11 do not involve an inventive step, and do not meet the requirement of PCT Art.33 (3).

The additional features of dependent claims 6-8 are straightforward design possibilities the skilled person would employ, in accordance with circumstances, without the exercise of inventive skill. Therefore, the dependent claims 6-8 do not involve an inventive step, and do not meet the requirement of PCT Art.33(3).

Industrial applicability:

Obviously, claims 3 -11 meet the requirement of PCT Art.33 (4).

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III. Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

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Please see Rule 67.1(iv) PCT

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1. Statement:

Novelty (N)	Claims 3-11	YES
	Claims	NO
Inventive step (IS)	Claims	YES
	Claims 3-11	NO
Industrial applicability (IA)	Claims 3-11	YES
	Claims	NO

2. Citations and explanations (Rule 70.7)

Novelty:

Claims 3-11 meet the criteria set out in PCT Article 33(2), because no document cited in the international search report has disclosed all features of the independent claim 3 and the claims appendant thereto.

Inventive step:

Claims 3-11 don't meet the criteria set out in PCT Article 33(3), for the following reasons:

Independent claim 3 does not involve an inventive step. D1(WO,A1,0006018) also discloses a remote patient monitoring system with garment and automated medication dispenser (see D1, abstract; description, pages 2,5-15 and figures 1-8). D1 has disclosed most features of claim 3, and the only different feature between the independent claim 3 and D1 is as follows: the said device according to claim 3 also includes medical apparatuses which are supplied at the suitable position of the said LifeShirt, can implement some required treatment, and electrically connect to the monitoring centre. However the different feature is straightforward design possibilities the skilled person would employ, in accordance with circumstances, without the exercise of inventive skill, for example, the D2 (GB,A,2350193) has disclosed as follows: the said health monitoring garment not only can monitors ECG and respirator and tissue vital signs of a human, but also can implement some treatment if necessary. Therefore, the independent claim 3 does not involve an inventive step, and does not meet the requirement of PCT Art.33(3).

The additional features of dependent claims 4-5, 9-11 have already been disclosed in D1 (see D1, description, pages 2,5-15 and figures 1-8), therefore the dependent claims 4-5,9-11 do not involve an inventive step, and do not meet the requirement of PCT Art.33 (3).

The additional features of dependent claims 6-8 are straightforward design possibilities the skilled person would employ, in accordance with circumstances, without the exercise of inventive skill. Therefore, the dependent claims 6-8 do not involve an inventive step, and do not meet the requirement of PCT Art.33(3).

Industrial applicability:

Obviously, claims 3 -11 meet the requirement of PCT Art.33 (4).